

<i>SERFF Tracking Number:</i>	<i>ACEH-125749680</i>	<i>State:</i>	<i>Arkansas</i>
<i>Filing Company:</i>	<i>Westchester Fire Insurance Company</i>	<i>State Tracking Number:</i>	<i>EFT \$100</i>
<i>Company Tracking Number:</i>	<i>08-PR-2007800</i>		
<i>TOI:</i>	<i>17.1 Other Liability - Claims Made Only</i>	<i>Sub-TOI:</i>	<i>17.1015 Municipal Liability</i>
<i>Product Name:</i>	<i>08-PR-2007800</i>		
<i>Project Name/Number:</i>	<i>Public Entity Liability - Reference Filing/08-PR-2007800</i>		

Filing at a Glance

Company: Westchester Fire Insurance Company

Product Name: 08-PR-2007800

SERFF Tr Num: ACEH-125749680 State: Arkansas

TOI: 17.1 Other Liability - Claims Made Only

SERFF Status: Closed

State Tr Num: EFT \$100

Sub-TOI: 17.1015 Municipal Liability

Co Tr Num: 08-PR-2007800

State Status: Fees verified and received

Filing Type: Rate/Rule

Co Status:

Reviewer(s): Edith Roberts

Authors: Connie McFarlane, Bob
Wolf from, Sharon Yacuzzo

Disposition Date: 08/12/2008

Date Submitted: 07/28/2008

Disposition Status: Filed

Effective Date Requested (New): On Approval

Effective Date (New):

Effective Date Requested (Renewal): On Approval

Effective Date (Renewal):

State Filing Description:

General Information

Project Name: Public Entity Liability - Reference Filing

Status of Filing in Domicile: Pending

Project Number: 08-PR-2007800

Domicile Status Comments:

Reference Organization: ACE American Ins. Co.

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 08/12/2008

State Status Changed: 08/12/2008

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

ACE American Insurance Company currently has forms, rates and rules on file with your department which are applicable to our Public Entity Liability program. The purpose of this filing is to add Westchester Fire Insurance Company to the original filing. This new program was filed earlier this year under company filing number 08-PR-2007499. Please refer to the attached Reference Filing Numbers exhibit for prior state filing numbers, if applicable. We wish to implement this filing for all new and renewal policies effective upon your approval.

SERFF Tracking Number: ACEH-125749680 State: Arkansas
 Filing Company: Westchester Fire Insurance Company State Tracking Number: EFT \$100
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 Product Name: 08-PR-2007800
 Project Name/Number: Public Entity Liability - Reference Filing/08-PR-2007800

Company and Contact

Filing Contact Information

Robert Wolfrom, CPCU, Regulatory Specialist robert.wolfrom@ace-ina.com
 436 Walnut Street (215) 640-5123 [Phone]
 Philadelphia, PA 19106 (215) 640-4986[FAX]

Filing Company Information

Westchester Fire Insurance Company	CoCode: 21121	State of Domicile: New York
1133 Avenue of the Americas	Group Code: 626	Company Type:
New York, NY 10036	Group Name:	State ID Number:
(215) 640-2324 ext. [Phone]	FEIN Number: 13-5481330	

Filing Fees

Fee Required? Yes
 Fee Amount: \$100.00
 Retaliatory? No
 Fee Explanation:
 Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Westchester Fire Insurance Company	\$100.00	07/28/2008	21625472

SERFF Tracking Number:	ACEH-125749680	State:	Arkansas
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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Filed	Edith Roberts	08/12/2008	08/12/2008

Amendments

Item	Schedule	Created By	Created On	Date Submitted
Arkansas Public Entity State Exception Page	Rate	Connie McFarlane	07/28/2008	07/28/2008

<i>SERFF Tracking Number:</i>	<i>ACEH-125749680</i>	<i>State:</i>	<i>Arkansas</i>
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Disposition

Disposition Date: 08/12/2008

Effective Date (New):

Effective Date (Renewal):

Status: Filed

Comment: "Me, too" filing of sister company, ACE American filing # 087-PR-2007499.

Rate data does NOT apply to filing.

SERFF Tracking Number: *ACEH-125749680* *State:* *Arkansas*
Filing Company: *Westchester Fire Insurance Company* *State Tracking Number:* *EFT \$100*
Company Tracking Number: *08-PR-2007800*
TOI: *17.1 Other Liability - Claims Made Only* *Sub-TOI:* *17.1015 Municipal Liability*
Product Name: *08-PR-2007800*
Project Name/Number: *Public Entity Liability - Reference Filing/08-PR-2007800*

Item Type	Item Name	Item Status	Public Access
Supporting Document	FILE MEMO		Yes
Supporting Document	TRANS DOC		Yes
Rate	Public Entity General Rules		Yes
Rate	Rating Plan -Range (01/08)		Yes
Rate	State Exception Page		Yes
Rate	Arkansas Public Entity State Exception Page		Yes

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Amendment Letter

Amendment Date:

Submitted Date: 07/28/2008

Comments:

Attached is a State Exception Page which I inadvertantly omitted from this filing. Sorry for any inconvenience this may have caused.

Changed Items:

Rate/Rule Schedule Item Changes:

Exhibit Name:	Rule # or Page #:	Rate Action:	Previous State Filing Numbers:	Attach Document:
Arkansas Public Entity State Exception Page	Page 1	New		AR Public Entity State Exception Pages.pdf

<i>SERFF Tracking Number:</i>	<i>ACEH-125749680</i>	<i>State:</i>	<i>Arkansas</i>
<i>Filing Company:</i>	<i>Westchester Fire Insurance Company</i>	<i>State Tracking Number:</i>	<i>EFT \$100</i>
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Rate Information

Rate data does NOT apply to filing.

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Rate/Rule Schedule

Review Status:	Exhibit Name:	Rule # or Page #:	Rate Action	Previous State Filing Attachments Number:
	Public Entity General Rules	Pages 1-3	New	Public Entity General Rules 01 2008.pdf
	Rating Plan -Range (01/08)	Pages 1-9	New	ACE Municipal Advantage Rating Plan-Range (01-2008).pdf
	State Exception Page	Page 1	New	
	Arkansas Public Entity State Exception Page	Page 1	New	AR Public Entity State Exception Pages.pdf

ACE American Insurance Company

ACE Municipal AdvantageSM Public Entity Liability

SECTION I. GENERAL RULES

A. Contents

This manual contains the rules, rating procedures and company rates for the ACE Municipal Advantage Public Entity Liability Insurance.

The rules, rates, forms and rating plans filed by or behalf of the company govern in all cases not specifically provided for in this manual.

B. Sections

This manual is divided into separate Sections for:

1. General Rules
2. Eligibility
3. Coverage Forms
4. Company Rates

C. Policy Term

Policies are written for a term of one year. A policy may be extended beyond the policy expiration date, with the additional premium calculated on a pro-rata basis. For example, an annual policy with an original premium of \$120,000 can be extended one month at an additional premium of $\$120,000 / 12 = \$10,000$.

D. Factors or Multipliers

Factors or multipliers are to be applied consecutively and not added together, unless otherwise specified.

E. Rounding Procedure

1. Rates

Round rates, factors and multipliers after the final calculation to three decimal places. Five tenths or more of a mill shall be considered one mill, e.g., .1245 = .125.

2. Premium

Round the premium for each coverage for which a separate premium is calculated to the nearest whole dollar. Round a premium involving \$.50 or over to the next higher whole dollar.

F. Policy Writing Minimum Premium

1. Policy writing minimum premium is the lowest amount of premium for which a policy may be written and such amount is not subject to adjustment for any reason.
2. Apply a minimum premium for each annual period.
3. Minimum base premiums are the lowest amounts for which insurance may be written for each full year of coverage.
4. The minimum allowable premiums are shown in the Step 1 table on the State Exception Page.

G. Additional Premium Charge

1. Calculation of Premium

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- a. Prorate all changes requiring additional premium.
- b. Apply the rates and rules in effect on the effective date of the policy, or if the change is made after an anniversary date of the policy, apply the rates and rules in effect on that anniversary date. The additional premium developed is in addition to any applicable policy writing minimum premium.

2. Waiver of Premium

- a. Additional premiums at or below \$25 may be waived.
- b. This waiver applies only to that portion of the premium due on the effective date of the policy change.

H. Return Premium Charges

1. Premium Computation

- a. Compute return premium at the rates used to calculate the policy premium.
- b. Compute return premium pro-rata and round to the next higher whole dollar when any coverage or exposure is deleted or an amount of insurance is reduced.

2. Waiver of premium

- a. Return premiums of \$25 or less shall be waived.
- b. This waiver applies only to that portion of the return premium due on the effective date of the policy change.
- c. Any return premium due the insured must be granted if the insured requests it.

I. Policy Cancellation – Pro Rata Cancellation

Calculate return premium pro rata and round to the next higher whole dollar when a policy is canceled.

J. Extended Reporting Period

1. The insured can elect the Optional Extended Reporting Period upon payment of the additional premium. Extended reporting periods are available as follows:

Extended Reporting Period	Premium (as a % of expiring policy premium)
1 Year	100%
2 Years	150%
3 Years	200%

2. The Extended Reporting Period premium and term are noted on the Declarations.

K. Prior Acts Coverage

1. Full Prior Acts Coverage is available and contemplated in the rates for the coverages afforded with the ACE Advantage Public Entity Liability Insurance.
2. Refer to the ACE Municipal Advantage Public Entity Liability Rating Plan if limited Prior Acts coverage is afforded by the company.

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SECTION II. ELIGIBILITY

ACE Municipal Advantage Public Entity Liability Insurance is designed for state, county and local municipalities, special districts authorities, including housing, utilities, water, mass transit, port authorities, and regional airports and airport authorities.

SECTION III. COVERAGE FORMS

- A. The eligibility guidelines, rates and rules outlined in this manual apply to the following coverage form.

ACE Municipal Advantage Public Entity Liability Policy PF-23536 (01/08)

- B. The appropriate

1. Coverage forms;
2. Optional endorsements;
3. Mandatory endorsements (including those required for use in a particular state, required by other manual rules, or as required by a footnote in the classification table);
4. Other applicable endorsements; and,
5. The Declarations

make up a coverage part.

SECTION IV. RATES

Refer to the ACE Municipal Advantage Public Entity Liability Rating Plan.

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The enclosed rating plan provides Public Entity Liability. This coverage is a blended policy which provides coverage for Public Officials Liability and Employment Practice Liability for municipalities, cities, counties and special district entities written by ACE. This plan covers risks that do not qualify for individual risk rating.

Step 1: Base Premium Determination

Select the base premium from the chart in the State Exception Page, depending on the Total Annual Budget (TAB) of the applicant.

Step 2: Increased Limit and Retention Factors

Base rates contemplate an aggregate limit for indemnity plus defense of \$1,000,000 and a self-insured retention of \$25,000 per claim as defined in the policy. A different limit of liability and retention may be selected by the insured. We have developed two separate Increased Limit and Retention factor tables which vary depending on the TAB. Curve 1 applies to the development of premium for entities with \$500,000,000 or less in TAB. Curve 2 applies to the development of premium for entities with more than \$500,000,000 in TAB. These two limit curves are intended to reflect the inherent differences in the severity distribution between entities with different budget size (the larger entities having increased exposure to class action litigation).

Primary Pricing Rule

For Primary limits with retentions of \$500,000 or less, multiply the result of Step 1 by the sum of the appropriate factors from Table 1 below.

For additional Primary limits not shown Table 1, determine the increased limit factor for a given limit using the curve and parameters below.

Curve 1 –Small Entity

Weibull Model: $y=a-b*\exp(-c*x^d)$

Parameters:

X = Limit in Millions

a =	7.6253
b =	7.4849
c =	0.1220
d =	0.4700

Curve 2 –Large Entity

Weibull Model: $y=a-b*\exp(-c*x^d)$

Parameters:

X = Limit in Millions

a =	15.6237
b =	15.2206
c =	0.0400
d =	0.6600

Large Retention and Excess Pricing Rule:

For Primary policies with retentions greater than \$500,000 or for excess pricing above an attachment point, determine the Excess Limits factor from Table 1 below as follows:

- Excess Limits Factor:**
- (1) Determine factor for sum of retention plus limit plus attachment (if applicable).
 - (2) Determine factor for sum of retention plus attachment (if applicable).
 - (3) Excess Factor = (1) - (2)

Apply the Excess Limits factor to the results as noted below.

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TABLE 1 - Increased Limit/Retention Factors

Aggregate Limit	Curve 1 Small Risks	Curve 2 Large Risks	Retention	Small Risk	Large Risks
\$0	0.000	0.000	\$5,000	0.250	0.350
\$500,000	0.771	0.784	\$7,500	0.200	0.300
\$1,000,000	1.000	1.000	\$10,000	0.150	0.200
\$2,000,000	1.304	1.335	\$15,000	0.100	0.150
\$3,000,000	1.524	1.610	\$25,000	0.000	0.000
\$4,000,000	1.702	1.850	\$30,000	-0.030	-0.020
\$5,000,000	1.854	2.066	\$35,000	-0.050	-0.030
\$6,000,000	1.986	2.265	\$40,000	-0.060	-0.040
\$7,000,000	2.105	2.451	\$50,000	-0.090	-0.060
\$8,000,000	2.213	2.625	\$75,000	-0.130	-0.100
\$9,000,000	2.312	2.790	\$100,000	-0.160	-0.130
\$10,000,000	2.404	2.946	\$125,000	-0.230	-0.160
\$11,000,000	2.489	3.096	\$150,000	-0.260	-0.190
\$12,000,000	2.569	3.239	\$200,000	-0.290	-0.240
\$13,000,000	2.645	3.377	\$250,000	-0.320	-0.300
\$14,000,000	2.716	3.510	\$300,000	-0.380	-0.350
\$15,000,000	2.784	3.638	\$350,000	-0.410	-0.360
\$16,000,000	2.848	3.762	\$400,000	-0.430	-0.390
\$17,000,000	2.910	3.882	\$450,000	-0.450	-0.410
\$18,000,000	2.969	3.999	\$500,000	-0.480	-0.450
\$19,000,000	3.025	4.112			
\$20,000,000	3.080	4.222			
\$25,000,000	3.323	4.733			
\$30,000,000	3.531	5.189			
\$35,000,000	3.713	5.603			
\$40,000,000	3.874	5.981			
\$45,000,000	4.019	6.331			
\$50,000,000	4.150	6.655			

For Retentions not shown in the table below, the underwriter will apply a linear interpolation to determine the appropriate factor.

Step 2a: Split SIR Factor

The rates assumed that the same retention will be applied to claims reported under the policy's Insuring Agreements. However, the underwriter may choose to quote using one retention level for claims reported under the Public Entity Reimbursement and the Public Entity Liability (POL) Insuring Agreements and the Employment Practices Liability (EPL) Insuring Agreement. If this is the case, the underwriter will:

- (1) Calculate the Increased Limit and Retention Factor for the POL limits and retention;
 - (2) Calculate the Increased Limit and Retention Factor for the EPL limits;
 - (3) Calculate the percentage difference between the POL factor and the EPL factor (Unadjusted Split SIR Factor);
and
 - (4) Apply the below weighted factor to the Unadjusted Split SIR Factor Debit or Credit to get the Adjusted Split SIR Factor:
- POL SIR > EPL SIR: 20%
- POL SIR < EPL SIR: 80%

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Example:

Policy Limit of Liability= 1,000,000

	POL	EPL
SIR	\$50,000	\$100,000
Increased Limit and Retention Factor	0.910	0.840

Unadjusted Split SIR Factor= $(0.910 / 0.840) - 1 = -0.0769$

Since POL SIR (\$50,000) < EPL SIR (\$100,000), adjust Split SIR Factor by 80%:

Adjusted Split SIR Factor = $-0.0769 * 80\% = \underline{-1.54\%}$

Step 2b: Split limit Factors

For Split Limits, divide the Aggregate Limit by the Per Claim Limit to determine the Split Limit Ratio. Select the Split Factor from Table 2 presented below based on the calculated Split Limit Ratio. For Aggregate/Per Claim Ratio not listed in the Table 2, the underwriter will apply a linear interpolation to determine the appropriate factor.

Example: The Aggregate Limit is \$3,000,000 and the Occurrence Limit is \$1,000,000, the Split Limit Ratio is 3.0 (3M / 1M). So the Split Limit Factor would be 1.35.

Table 2 Split Limit Adjustment Factor	
Aggr / Per Claim	Factor
1.0	1.00
2.0	1.15
2.5	1.25
3.0	1.35
3.5	1.45
4.0	1.55
4.5	1.65
5.0	1.75

Step 3: Public Entity Risk Type Modification

Applicants with multiple operations provide a broad range of public services to the community such as the granting of permits, zoning, collection of tax revenue and the dispersal of state and federal funds for community services. Each of these can lead to potential claims against the public entity. They may also provide services through special district operations (e.g. overseeing the management of regional or international airports, managing the municipal port authority, etc.) that increase the complexity of the risk and create a greater potential for loss. Single purpose applicants focus on providing a single public resource (i.e. transit, parks, water/sewer services, etc.) reducing the potential for claims. Within the single purpose group, however, exposures can vary from financial to blue collar. The underwriter will evaluate and document the applicant's structure of the entity and assess the complexity of the organization and the types of special operations are being managed by the municipality. Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the complexity of the applicant's structure and organization and the impact this will have on the severity of future claims the applicant may incur: The POL Risk Management Factor is multiplied times the premium derived in Step 2:

<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Complexity and Structure of the Entity</i>	<i>Comfort Level Factor</i>
1	Confident	0.75 to 0.85
2	Comfortable	0.85 to 1.00
3	Low Concern	1.00 to 1.10
4	Material Concern	1.10 to 1.20
5	High Concern	1.20 to 1.35
6	Very High Concern	1.35 to 1.50

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Step 4: Public Entity Risk Management Procedures Factor

The underwriter will evaluate and document the applicant's Risk Management Practices, including training policies, disaster planning and emergency management procedures, contract review processes, and the use of a planning board. Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the strength of the applicant's practices and the impact these practices will have on the severity of future claims the applicant may incur: The POL Risk Management Factor is multiplied times the premium derived in Step 3.

<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Entity's POL Risk Management Processes</i>	<i>Comfort Level Factor</i>
1	Confident	0.75 to 0.85
2	Comfortable	0.85 to 1.00
3	Low Concern	1.00 to 1.10
4	Material Concern	1.10 to 1.20
5	High Concern	1.20 to 1.35
6	Very High Concern	1.35 to 1.50

Step 5: Employment Practices Risk Type Modification

Applicants with multiple operations can have differing levels of exposure to EPL losses given the diversity of their operations. Municipalities that provide a broad range of public services to the community such as police and fire departments, water and electricity distribution and/or manage port authorities have a greater potential for loss because of the dissimilar composition of their labor force. Single purpose applicants focus on providing a single public resource (i.e. transit, parks, water/sewer services, etc.) reducing the potential for claims. However, the nature of the operation (e.g. a municipal Fire Department poses a greater potential for loss than a water authority) can lead to risks which have disparate loss activity. Even within the single purpose group, exposures can vary from financial and office workers to blue collar laborers and unions. The underwriter will evaluate and document the structure of the entity and assess the complexity of the organization and the types of special operations (as it relates to its employee population) are being managed by the municipality. Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the complexity of the applicant's structure and organization and the impact this will have on the severity of future claims the applicant may incur: The EPL Risk Type Factor is multiplied times the premium derived in Step 4.

<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Complexity of the Entity's Workforce</i>	<i>Comfort Level Factor (Minimum)</i>	<i>Comfort Level Factor (Maximum)</i>
1	Confident	0.50	0.75
2	Comfortable	0.75	1.00
3	Low Concern	1.00	1.25
4	Material Concern	1.25	1.50
5	High Concern	1.50	1.75
6	Very High Concern	1.75	2.00

Step 6: Employment Practices Risk Management Factor

The underwriter will evaluate and document the applicant's EPL Risk Management Practices, including layoff and downsizing expectations, historic employee turnover trends, and applicant's human resources practices and procedures, including if the applicant has a HR manager and/or department (and the extent of their experience), the quality of HR manuals and management guidelines, training policies and procedures related to harassment, discrimination and sensitivity, performance appraisal and disciplinary procedures, and the extent to which the applicant is compliant with federal and state employment-related laws, statutes and regulations. Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the strength of the applicant's practices and the impact these practices will have on the severity of future claims the applicant may incur: The EPL Risk Management Factor is multiplied times the premium derived in Step 5.

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<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Entity's EPL Risk Management Processes</i>	<i>Comfort Level Factor</i>
1	Confident	0.75 to 0.85
2	Comfortable	0.85 to 1.00
3	Low Concern	1.00 to 1.10
4	Material Concern	1.10 to 1.20
5	High Concern	1.20 to 1.35
6	Very High Concern	1.35 to 1.50

Step 7: Financial Condition Factor

The underwriter will evaluate and document the applicant's Financial Condition, including reviewing the applicant's current and historic budget surplus or deficits, the quality of its Bond Ratio, the evaluation and rating of the applicant's debt by Moody's, S&P and/or Fitch, and the applicant's default history. Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the strength of the applicant's financial condition and the impact this condition will have on the frequency and/or severity of future claims the applicant may incur: The Financial Condition Factor is multiplied times the total premium derived in Step 6.

<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Entity's Financial Condition</i>	<i>Comfort Level Factor</i>
1	Confident	0.75 to 0.85
2	Comfortable	0.85 to 1.00
3	Low Concern	1.00 to 1.10
4	Material Concern	1.10 to 1.20
5	High Concern	1.20 to 1.35
6	Very High Concern	1.35 to 1.50

Step 8: Loss Experience Factors

The underwriter will evaluate and document the applicant's Historic Loss Experience, considering the following issues related to Claims Frequency and Severity:

Claim Frequency: The number of claims made annually on average, the nature of the claims encountered by the applicant, have past claims led to insurance payments, trends in the applicant's claims history, corrective measures and procedures implemented to mitigate future claims activity.

Claim Severity: The size and magnitude of current and past claims experienced by the applicant, including the a review of the largest claim, the average incurred losses and loss expenses, whether or not past claims payments included punitive or exemplary damages, the applicant's past experience with class actions and mass torts.

Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the strength of the applicant's financial condition and the impact this condition will have on the frequency and/or severity of future claims the applicant may incur: The Financial Condition Factor is multiplied times the premium derived in Step 7.

<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Entity's Loss Experience</i>	<i>Comfort Level Factor</i>
1	Confident	0.75 to 0.85
2	Comfortable	0.85 to 1.00
3	Low Concern	1.00 to 1.10
4	Material Concern	1.10 to 1.20
5	High Concern	1.20 to 1.35
6	Very High Concern	1.35 to 1.50

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Step 9: Optional Coverages and Key Coverage Exclusions

Additional Professional Liability Coverage

If the applicant has employees who are attorneys, accountants, architects or engineers, and they intend to extend professional liability coverage for their professional activities performed on behalf of the entity, the premium may be modified based upon the number of professionals listed as listed in Table 3. Professional Liability exposure rating is multiplied by the total premium derived in Step 8:

Table 3

<u>Number of Professionals</u>	<u>Additional Premium</u>
1 to 5	+5%
6 to 10	+7.5%
11 to 20	+10%
20 or more	+15%

Network Security Liability Coverage Extension

+15%

If coverage for Network Security Liability is covered by endorsement, apply the above noted debit to the total premium calculated through Step 8. Additional premium for the Network Security Liability Coverage Extension is subject to a \$1,500 minimum premium.

Limited Sexual Abuse and Molestation (LSAM) Coverage Extension

A Limited Sexual Abuse and Molestation coverage extension is available via endorsement. The coverage will be included as a sub-limit of liability to the policy aggregate limit of liability. If coverage for Sexual Abuse and Molestation is requested, the underwriter will evaluate and document the applicant's Sexual Abuse loss experience, and the applicant's sexual abuse risk management and loss control practices and procedures, including employee training policies and procedures related to sexual abuse and molestation issues, employee monitoring and supervision policy, and disciplinary procedures. Based on this assessment, the underwriter will assign a Confidence Factor which reflects the degree of underwriting concern/confidence in the strength of the applicant's practices and the impact these practices will have on the severity of future claims the applicant may incur.

<i>Rating</i>	<i>Degree of Concern/Confidence as respect the Entity's Sexual Abuse Loss & Risk Management Processes</i>	<i>LSAM Confidence Factor</i>
1	Confident	0.75 to 0.85
2	Comfortable	0.85 to 1.00
3	Low Concern	1.00 to 1.10
4	Material Concern	1.10 to 1.20
5	High Concern	1.20 to 1.35
6	Very High Concern	1.35 to 1.50

To calculate the Limited Sexual Abuse and Molestation additional premium, the following steps are taken:

- (1) Calculate the Base LSAM Premium by multiplying the premium calculated in Step 1-8 by 25%
- (2) Apply the LSAM Confidence Factor from the above table, based on the underwriter's assessment of risk quality
- (3) Calculate the ILF and SIR factor for the LSAM sub-limit, based on the table and calculations from Step 2.
- (4) Divide the factor calculated in (2) above with the overall policy ILF/SIR factor calculated in Step 2
- (5) Apply this premium modifier to the premium calculated in (1) above.

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ACE Municipal AdvantageSM Public Entity Liability

Example:

Policy Limit: \$5,000,000 per Claim / \$5,000,000 Aggregate
Policy SIR: \$50,000 per Claim
Step 1-8 Premium: \$100,000
LSAM Sublimit: \$1,000,000
LSAM SIR: \$100,000 per Claim
LSAM Confidence: Comfortable

- (1) Calculate Base LSAM Premium
 $\$100,000 \times 25\% = \$25,000$
- (2) Apply Confidence Factor as determined by underwriting assessment.
Comfortable = 0.850
 $\$25,000 \times 0.850 = \$21,250$
- (3) Underwriter applies premium modifier based on sub-limit vs. the full limits:
Policy ILF/SIR Factor= $1.854 + -0.09 = 1.764$
LSAM ILF/SIR Factor= $1.000 + -0.16 = 0.84$
Modifier= $0.84 / 1.764 = 0.4762$
- (4) Calculate the Modified LSAM premium = (2) x (3)
 $\$21,250 \times 0.4762 = \$10,119$

Prior Acts Exclusion

This rate plan contemplates full prior acts coverage. For less than full prior acts coverage apply the factor from Table 4 below:

Table 4

# of Years of Prior Acts	Factor
1	0.75
2	0.90
3 or more	1.00

Employment Practices Liability Coverage Exclusion

-20%

The underwriter may opt to provide a quotation that only covers the Public Officials Liability exposures and exclude the Employment Practices Liability exposures, If coverage is excluded by endorsement, apply the above noted credit to the total premium calculated through Step 8.

Third Party Liability Coverage Exclusion

-10%

If coverage for Third Party liability is excluded by endorsement from the Employment Practices Liability part of the policy, apply the above noted credit to the total premium calculated through Step 8.

Other Restrictive or Expansive Endorsements

Certain endorsements will tend to broaden or limit coverage available under the policy. If the underwriter uses these rate-bearing endorsements, the appropriate debit or credit will be applied to reflect the expansion or restriction in coverage offered. Determine the applicable factor from the table in Appendix A, subject to the following maximum impact of +/- 25%. The Endorsement Credit/Debit shall be applied to the total premium calculated through Step 8.

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Step 10: Schedule Rating

Multiply the result of Step 9 by the Schedule Rating factors from the table presented below. The total Schedule Rating is the product of the factors selected below. The application of rating credits/debits requires the maintenance of sufficient support in the underwriting file. The maximum amount of credit/debit for Step 10 is noted on the State Exception page.

<u>Schedule Rating Category</u>	<u>Maximum Credit</u>	<u>Maximum Debit</u>
Population Trends	-25%	25%
Rural vs. Urban	-25%	25%
Appointed vs. Elected Officials	-25%	25%
Use of a Planning/Zoning Board	-25%	25%
Termination for Cause History	-25%	25%
EEOC Complaint History	-25%	25%
Employee Salary	-25%	25%
Growth Rate	-25%	25%
Labor Relations	-25%	25%

Step 11: Expense Modification

The policy premium contemplates a standard allowance for direct commission expense. If direct commission expenses vary from the standard, the premium may be reduced to reflect this difference (e.g., reduced commission paid to agents on net of commission arrangements). The premium may not be increased for additional expense.

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ACE Municipal AdvantageSM Public Entity Liability

Appendix A

Other Restrictive and Expansive Endorsements

Determine the applicable factor from the table below, subject to the following maximum total net credit or debits:

Combination of one or more endorsements: +/- 25%

Name	Number	Rate
Additional Public Entity Endorsement	PF-23538 (01/08)	0.0%
Arbitration – Nonbinding	PF-23539 (01/08)	5.0%
Automatic ERP Amended (Variable Days)	PF-23540 (01/08)	0.0%
Bond Exclusion	PF-23541 (01/08)	-1.0%
Claims Mediation Endorsement	PF-23542 (01/08)	2.5%
Coinsurance – 10%	PF-23543 (01/08)	-5.0%
Coinsurance – 15%	PF-23543 (01/08)	-7.5%
Coinsurance – 20%	PF-23543 (01/08)	-10.0%
Coinsurance – 25%	PF-23543 (01/08)	-12.5%
Coinsurance – 5%	PF-23543 (01/08)	-2.5%
Contingent Bodily Injury and Property Damage	PF-23544 (01/08)	10.0%
Derivatives Exclusion	PF-23545 (01/08)	-1.0%
Benefit Liability Exclusion – Claims Expense Coverage	PF-23546 (01/08)	2.5%
Endorsement Deletion	PF-23549 (01/08)	0.0%
EPLI Coverage – Police & Fire Fighters	PF-23547 (01/08)	0.0%
Exclusion Removal Endorsement	PF-23550 (01/08)	0.0%
Extended Reporting Period – One, Two or Three Years	PF-23551 (01/08)	0.0%
Insured Choice of Defense Counsel Endorsement	PF-23552 (01/08)	2.5%
Insuring Agreement A.1 Non-Rescindable	PF-23553 (01/08)	10.0%
Investment Exclusion	PF-23554 (01/08)	-1.0%
Named Insured and Address Endorsement	PF-23555 (01/08)	0.0%
Non-Monetary Damages – \$1,000,000 Sublimit	PF-23556 (01/08)	15.0%
Non-Monetary Damages – \$250,000 Sublimit	PF-23556 (01/08)	5.0%
Non-Monetary Damages – \$500,000 Sublimit	PF-23556 (01/08)	10.0%
Notice – Risk Manager, Legal Counsel Endorsement	PF-23558 (01/08)	2.5%
Notice of Cancellation by Insurer Endorsement	PF-23557 (01/08)	0.0%
Outside Directorship – For Profit – Triple Excess	PF-23559 (01/08)	10.0%
Personal Profit Exclusion	PF-23560 (01/08)	1.0%
Policy Period Endorsement (Non-Premium Bearing)	PF-23561 (01/08)	0.0%
Policy Period Endorsement (Premium Bearing)	PF-23562 (01/08)	0.0%
Prior Acts Exclusion – Specified Date Endorsement	PF-23563 (01/08)	0.0%
Securities Exclusion	PF-23564 (01/08)	-1.0%
Specific Matter (Claim Type) Exclusion	PF-23566 (01/08)	-1.0%
Specific Services Exclusion	PF-23567 (01/08)	-1.0%
Tax Assessment Exclusion	PF-23568 (01/08)	-1.0%
Waiver of Application	PF-23571 (01/08)	0.0%

ACE American Insurance Company

ACE Municipal Advantage® Public Entity Liability

State Exception Page – Arkansas

Step 1: Base Rate

The base rates contemplate an aggregate limit for indemnity plus defense of \$1,000,000 and a self-insured retention of \$25,000 per claim.

Budget Tier		Rate Factor (per \$1,000)	Tier Charge	Total Budget	Cumulative Charge
From	To				
\$ -	\$250,000	FLAT	\$ 4,235	\$250,000	\$ 4,235
\$250,001	\$500,000	3.900	\$ 975	\$500,000	\$ 5,210
\$500,001	\$1,000,000	3.390	\$ 1,695	\$1,000,000	\$ 6,905
\$1,000,001	\$2,000,000	2.710	\$ 2,710	\$2,000,000	\$ 9,615
\$2,000,001	\$5,000,000	1.860	\$ 5,580	\$5,000,000	\$ 15,195
\$5,000,001	\$10,000,000	1.360	\$ 6,800	\$10,000,000	\$ 21,995
\$10,000,001	\$20,000,000	1.100	\$ 11,000	\$20,000,000	\$ 32,995
\$20,000,001	\$30,000,000	0.850	\$ 8,500	\$30,000,000	\$ 41,495
\$30,000,001	\$50,000,000	0.680	\$ 13,600	\$50,000,000	\$ 55,095
\$50,000,001	\$100,000,000	0.420	\$ 21,000	\$100,000,000	\$ 76,095
\$100,000,001	\$250,000,000	0.330	\$ 49,500	\$250,000,000	\$ 125,595
\$250,000,001	\$500,000,000	0.230	\$ 57,500	\$500,000,000	\$ 183,095
\$500,000,001	\$750,000,000	0.160	\$ 40,000	\$750,000,000	\$ 223,095
\$750,000,001	\$1,000,000,000	0.100	\$ 25,000	\$1,000,000,000	\$ 248,095
\$1,000,000,001	\$2,000,000,000	0.050	\$ 50,000	\$2,000,000,000	\$ 298,095
\$2,000,000,001	\$20,000,000,000	0.020	\$ 360,000	\$20,000,000,000	\$ 658,095
\$20,000,000,001	or Greater	0.010			

Step 2: Increased Limit and Retention Factors is amended by adding the following:

The minimum limit of liability provided shall be \$1,000,000.

Step 10: Schedule Rating

The maximum total net credit or debit available is -40% or +40%.

SERFF Tracking Number: ACEH-125749680 State: Arkansas
Filing Company: Westchester Fire Insurance Company State Tracking Number: EFT \$100
Company Tracking Number: 08-PR-2007800
TOI: 17.1 Other Liability - Claims Made Only Sub-TOI: 17.1015 Municipal Liability
Product Name: 08-PR-2007800
Project Name/Number: Public Entity Liability - Reference Filing/08-PR-2007800

Supporting Document Schedules

Review Status:

Satisfied -Name: FILE MEMO

07/28/2008

Comments:

Attachments:

Explanatory Memo (Rates & Rules).pdf

Public Entity Reference Filing Numbers.pdf

Review Status:

Satisfied -Name: TRANS DOC

07/28/2008

Comments:

Attachment:

AR NAIC Transmittal _R_.pdf

ACE GROUP OF INSURANCE COMPANIES

Westchester Fire Insurance Company ACE Municipal AdvantageSM Public Entity Liability Program

Explanatory Memorandum

ACE American Insurance Company currently has rates and rules on file with your department which are applicable to our Public Entity Liability program. The purpose of this filing is to add Westchester Fire Insurance Company to the original filing. This new program was filed earlier this year under company filing number 08-PR-2007499R. Please refer to the attached Reference Filing Numbers exhibit for prior state filing numbers, if applicable. We wish to implement this filing for all new and renewal policies effective upon your approval.

The ACE Municipal Advantage Public Entity Liability program has been developed for public entities and the people who act on their behalf. Coverage is provided for management, administrative and employment practices activities. The policy provides coverage on a claims-made and reported basis. The ACE Municipal Advantage Public Entity form has multiple coverage grants, or insuring agreements:

A. Public Entity Management Liability

Provides coverage to officials and commission members for loss related to their function as managers of the public entity.

B. Public Entity Liability

Addresses errors and omissions of the public officials in the performance of duties for a public entity.

C. Employment Practices Liability

Addresses actual or alleged employment practices violations in the performance of duties for a public entity.

D. Public Entity Crisis Management Coverage

A supplemental coverage which provides the Named Insured with an auxiliary limit to fund public relations expenses to help abate material crisis events that, if not addressed, could lead to a break-down in confidence in the public entity's managers and exacerbate litigation against them.

This is a new program filing which covers a variety of public entities including state, county and municipal governments, special district authorities (which would include housing, utilities, water, mass transit, and port authorities), finance and development authorities, and regional airports and airport authorities.

We will utilize the public entity's annual budget as the exposure basis for pricing since we believe this is a correlated and relatively unbiased indicator of exposure to loss. We further augmented our plan with rating variables that draw upon the expertise of our professional liability underwriting team. Our rating modification factors recognize the importance of size and breadth of the workforce to be insured, claims experience, financial conditions and risk management. We have structured our underwriting guidelines to ensure each thorough review, careful analysis and proper documentation for each individual account.

B. Rates / Rules

Manual

ACE Municipal Advantage Public Entity Liability - General Rules
Page 1-3, Ed. 1/2008

ACE Municipal Advantage Public Entity Liability Rating Plan, Ed. 1/2008

State Exception Page(s)

**State Filing Numbers for ACE Municipal AdvantageSM Public Entity Liability Program Filings
and Effective Date**

State	Form Filing ACE-xx-08-PR-2007499-F (xx=state code)	Rate Rule ACE-xx-08-PR-2007499-R (xx=state code)
AK		
AL	02-13-08	02-13-08
AR	02-22-08	02-13-08
AZ	Drawer Filing 02-05-08	
CA	08-2865 04-30-08	
CO	05-08-09 226187	05-09-08 226209
CT		
DC	03-11-08	02-14-08
DE	21165 02-26-08	
FL		
GA	02-29-08	02-27-08
HI		
IA	ACEH-125479239 02-15-08	
ID	02-11-08	
IL	ACEH-125479236 04-21-08	Drawer Filing 02-05-08
IN	03-18-08	
KS	FC-GL-08-355504 04/08/08	
KY	2008-013484-F 03-10-08	2007-013482-R 02-14-08
LA		
MA	112074 03-27-08	111921 03-27-08
MD	110388 03-17-08	110313 03-03-08
ME	02-27-08	02-26-08
MI	Drawer Filing 02-05-08	
MN	Drawer Filing 02-05-08	
MO	02-27-08	
MS	08-PR-2007499 03-18-08	
MT	02-27-08	02-13-08
NC	PC113002 03-20-08	PC113001 04-28-08
ND	64970 02-13-08	
NE	79243 02-11-08	
NH	03-03-08	02-29-08
NJ	Drawer Filing 02-05-08	
NM	08-PR-2007499 02-20-08	08-PR-2007499 02-20-08
NV	8294 04-23-08	Drawer 02-11-08
NY		
OH	ACEH-125479248 04-10-08	
OK	ACEH-125483480 04-11-08	ACEH-125483534 03-15-08
OR	CO 0324 08 03-26-08	
PA	B12531001 02-15-08	02-14-08
RI	03-05-08	
SC	209244 06-13-08	Drawer Filing
SD	03-14-08	
TN	080692 03-14-08	
TX	93783 03-12-08	
UT	68754 03-13-08	
VA		
VT		
WA		
WI	Deemed 03-12-08	Filed 02-13-08
WV	80213030 04-02-08	
WY	Drawer Filing 02-05-08	

Property & Casualty Transmittal Document

1. Reserved for Insurance Dept. Use Only	2. Insurance Department Use only a. Date the filing is received: b. Analyst: c. Disposition: d. Date of disposition of the filing: e. Effective date of filing: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">New Business</div> <div style="width: 55%;"></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Renewal Business</div> <div style="width: 55%;"></div> </div> f. State Filing #: g. SERFF Filing #: h. Subject Codes
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3.	Group Name	Group NAIC #
	ACE USA	626

4.	Company Name(s)	Domicile	NAIC #	FEIN #
	Westchester Fire Insurance Company	PA	21121	13-5481330

5.	Company Tracking Number	08-PR-2007800 (R)
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Contact Info of Filer(s) or Corporate Officer(s) [include toll-free number]

6.	Name and address	Title	Telephone #s	FAX #	e-mail
	Robert Wolfrom 510 Walnut Street WB04G	Sr Regulatory Specialist	(215) 640-5123	(215) 640-4986	Robert.Wolfrom@ace- ina.com

7.	Signature of authorized filer	
8.	Please print name of authorized filer	Robert Wolfrom

Filing information (see General Instructions for descriptions of these fields)

9.	Type of Insurance (TOI)	Other Liability
10.	Sub-Type of Insurance (Sub-TOI)	Municipal Liability
11.	State Specific Product code(s)(if applicable)[See State Specific Requirements]	
12.	Company Program Title (Marketing title)	Public Entity Liability
13.	Filing Type	<input type="checkbox"/> Rate/Loss Cost <input type="checkbox"/> Rules <input checked="" type="checkbox"/> Rates/Rules <input type="checkbox"/> Forms <input type="checkbox"/> Combination Rates/Rules/Forms <input type="checkbox"/> Withdrawal <input type="checkbox"/> Other (give description)
14.	Effective Date(s) Requested	New: Upon approval Renewal: Upon approval

Property & Casualty Transmittal Document---

15.	Reference Filing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
16.	Reference Organization (if applicable)	
17.	Reference Organization # & Title	
18.	Company's Date of Filing	07/28/2008
19.	Status of filing in domicile	<input type="checkbox"/> Not Filed <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Authorized <input type="checkbox"/> Disapproved

20.	This filing transmittal is part of Company Tracking #	08-PR-2007800 (R)
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21.	Filing Description [This area can be used in lieu of a cover letter or filing memorandum and is free-form text]
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ACE American Insurance Company currently has forms, rates and rules on file with your department which are applicable to our Public Entity Liability program. The purpose of this filing is to add Westchester Fire Insurance Company to the original filing. This new program was filed earlier this year under company filing number 08-PR-2007499. Please refer to the attached Reference Filing Numbers exhibit for prior state filing numbers, if applicable. We wish to implement this filing for all new and renewal policies effective upon your approval.

22.	Filing Fees (Filer must provide check # and fee amount if applicable) [If a state requires you to show how you calculated your filing fees, place that calculation below]
<p>Check #: EFT Amount: \$100.00</p> <p>Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.</p>	

*****Refer to each state's checklist for additional state specific requirements (i.e. # of additional copies required, other state specific forms, etc.)**

These pages are informational only and do not need to be submitted with your filings!

Notes for Uniform Property & Casualty Transmittal Document

DESCRIPTION OF ITEMS IN THE PROPERTY AND CASUALTY TRANSMITTAL DOCUMENT

- 1. Reserved for Insurance Dept. Use Only**—this section is for anything the Dept. wishes to capture—such as date stamps, approval stamps, check routing numbers, accounting codes, etc.
- 2. Insurance Department Use Only Box:** Includes the following information: (It is up to the state to determine which, if any, of this info they wish to record—or it may be recorded in #1 box with stamps (for example))
 - a. Date the filing is received by the Insurance Dept.**
 - b. Analyst**—lead analyst who reviewed the filing and assigns final disposition
 - c. Disposition**—this is the disposition that the Dept. assigns—authorized, approved, filed, withdrawn, disapproved, informational only, etc.
 - d. Date of Disposition of the filing**—date filing is finished
 - e. Effective Date of the Filing**—date the filing goes into effect. This date may vary by state—it might be the “approval” date in some states. It might be the implementation date in some states. It might be the received date in some states. The Dept. should use the date that is applicable in their state.
 - f. State Filing #:** The number the state assigns to the filing (if applicable).
 - g. SERFF Filing #:** Some states may use SERFF to track paper filings and will use that SERFF assigned number.
 - h. Subject Codes** – This field is intended to capture one or more Subject Codes for states to track particular attributes of a filing, such as mold exclusions. The codes or terms used would be variable by state.
- 3. Group Name and Group NAIC #** as assigned by NAIC.
- 4. Company Name(s), State of Domicile, NAIC #, FEIN#, State #:** Every company to which this filing applies must be listed and the company information must be supplied, with the exception of the State # (the company specific code) if not available or not required by the filing jurisdiction. A filing that lists a group without supplying company info will not be accepted in most states.
- 5. Company Tracking Number:** The filing number assigned by the insurance company, if any.
- 6. Contact Info of Filer or Corporate Officer:** The company should supply the information on the person the state should contact if there is a question/problem with the filing. If there is more than one person (perhaps, one for rates, one for forms) then both should be listed.
- 7. Signature of authorized filer:** Some states require a signature of the authorized filer. If the filer is third party, a letter of authorization from the insurer must be submitted according to state requirements.
- 8. Please print name of authorized filer:** So we can decipher #7 above!
- 9. Type of Insurance (TOI):** Refer to Uniform Property & Casualty Product Coding Matrix. This corresponds to the column entitled “SERFF Type of Insurance” and roughly corresponds to the annual statement line of business.
- 10. Sub-type of Insurance (Sub-TOI):** Refer to Uniform Property & Casualty Product Coding Matrix. This corresponds to the column entitled “SERFF Sub-Type of Insurance”.
- 11. State Specific Product code(s):** See State Specific Requirements for these codes
- 12. Company Program Title:** Marketing title, if applicable.
- 13. Filing Type:** Choices are Rate/Loss Cost; Rules; Rates/Rules; Forms; Withdrawal; Other.

14. Effective Date Requested: This is the effective date the company requested when they made the filing. It is not necessarily the date the filing officially becomes effective. This is also where the company can indicate the different effective dates for new or renewal business.

15. Reference Filing: Yes/No

16. Reference Organization (if applicable): The name of the advisory organization—i.e. ISO, NCCI, AAIS, etc. or an Insurance Company name if “me too filing” is permitted. Some states allow companies to reference another company’s filing. A “me too” filing is when one company adopts another company’s filing. Usually they are not part of the same group. You should check with each state to determine their rules on these filings. If permitted, use this area to indicate either an advisory organization name or “me too” company name.

17. Reference Organization Number & Title (if applicable): This is the unique number that the reference organization gives to the filing. It is generally not the same number as the circular number.

18. Company’s Date of filing: The date the company sends the filing.

19. Status of filing in domicile: Place for the company to show if filing has been filed in domicile and its status.

20. This filing transmittal is part of Company Tracking #: This ties all of the pages of the transmittal to the same filing. It is helpful for the state.

21. Filing Description: This area can be used in lieu of a cover letter or filing memorandum and is free-form text.

22. Filing Fees: Please refer to each state’s checklist for additional state specific requirements or instructions on calculating fees.